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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

South Africa:* draft resolution

The right to development

The General Assembly,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Recalling also that the outcome of the World Conference on Human Rights, held in Vienna in 1993, the Vienna Declaration and Programme of Action,[1] reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recalling further its resolution 52/187 of 18 December 1997 on the implementation of the Programme of Action for the Least Developed Countries for the 1990s and noting that the European Union hosted the Third United Nations Conference on Least Developed Countries in May 2001,

Recalling its resolution 55/245 of 21 March 2001 on the substantive preparatory process and the high-level international intergovernmental event on financing for development, and welcoming the fact that Mexico will host the

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China.

[1] A/CONF.157/24 (Part I), chap. III.

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International Conference on Financing for Development in Monterrey on 18 to 22 March 2002,

Taking note of the three studies prepared by the independent expert on the right to development and his proposed possible approaches to the operationalization of the right to development,

Taking note also of the report of the open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development[2] and of the Chairperson's conclusions on the issue, as well as the comments submitted thereon,

Welcoming the commitment made by the Heads of State and Government in the United Nations Millennium Declaration[3] to make the right to development a reality for everyone and their resolve to create an environment — at the national and global levels alike — which is conducive to development and to the elimination of poverty, and their commitment to spare no effort to promote good governance and democracy and to strengthen the rule of law as well as respect for all universally recognized human rights and fundamental freedoms, including the right to development,

Underlining that meeting the objectives of good governance also depends on good governance at the international level and on transparency in the financial, monetary and trading systems and an open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial system,

Underlining also the fact that the realization of the right to development requires effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level,

Underlining further the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Noting the outcome of the South Summit of the Group of Seventy-Seven held in Havana from 10 to 14 April 2000 relating to the realization of the right to development,[4]

1. *Welcomes* the holding of two sessions of the Working Group on the Right to Development (18-22 September 2000 and 29 January-2 February 2001), which focused on certain issues, as reflected in the report of the Working Group on the Right to Development,[5] and emphasizes the need to continue deliberations on the right to development in all its aspects, inter alia, on the basis of the report of the Working Group and the Chairperson's conclusions, as well as comments submitted thereon;

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[2] E/CN.4/2001/26.

[3] Resolution 55/2.

[4] See A/55/74, annexes I and II.

[5] E/CN.4/____.

2. *Emphasizes* that on the basis of the text of the Declaration on the Right to Development, several resolutions and declarations adopted by consensus at subsequent international conferences and the Vienna Declaration and Programme of Action, it should now be possible to reach consensus on the full implementation of the right to development;

3. *Expresses its appreciation* for the reports of the independent expert on the right to development and his additional work on and clarifications of the "development compact" proposal, which contributed to a better understanding of this proposal, while recognizing that further clarification is still needed;

4. *Recognizes* that any development compact would be of a voluntary nature for all parties involved and that its content would be defined on a case-by-case basis and be adapted to the priorities and realities of any country willing to conclude such a compact, which would need the adherence and the support of all international actors involved in its implementation;

5. *Requests* the independent expert to clarify further the proposed development compact, taking into consideration views expressed during the two sessions of the Working Group and in broad consultation with the Office of the United Nations High Commissioner for Human Rights and United Nations funds and programmes, as well as specialized agencies, relevant international and regional organizations, non-governmental organizations and, in particular, those actors and States interested in developing pilot projects in this regard, keeping in mind:

(a) The ongoing bilateral, regional and multilateral development cooperation programmes;

(b) The formulation of an operational model for a development compact;

(c) The views of concerned international organizations and agencies and relevant regional institutions and actors;

(d) The need to ensure the added value of a development compact to and complementarity with the relevant existing mechanisms;

(e) The need to address and remedy the national and international dimensions of corruption;

(f) The need for country-specific studies both from a national and an international perspective;

6. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that they are committed to cooperating with each other to that end;

7. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, and which also places the human person at the centre of development and recognizes that while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

8. *Recognizes* that, in order to realize the right to development, national action and international cooperation must reinforce each other in a manner that goes

beyond the measures for realizing each individual right, and also recognizes that international cooperation for the realization of the right to development should be conducted in a spirit of a partnership, in full respect of all human rights, which are universal, indivisible, interdependent and interrelated;

9. *Also recognizes* that for many developing countries, the realization of the rights to, inter alia, food, health and education may be important development entry points to the realization of the right to development and that, in this context, the independent expert's concept of a development compact intends to give expression to some basic tenets of the interdependence of all human rights and national ownership of development strategies and development programmes, as well as the importance of international cooperation;

10. *Further recognizes* the need for a discussion on a suitable permanent follow-up mechanism for the implementation of the right to development in the future, in the Working Group;

11. *Stresses* the necessity of establishing, at the national level, an enabling legal, political, economic and social environment for the realization of the right to development, and emphasizes the importance of democratic, participatory, transparent and accountable governance, as well as the need for efficient national mechanisms, such as national human rights commissions, to ensure respect for civil, economic, cultural, political and social rights, without any distinction;

12. *Also stresses* the need to prevent, address and take effective action against corruption, at both the national and international levels, including by establishing a firm legal structure for eradicating corruption, and urges States to take all necessary measures to that end;

13. *Recognizes* the importance of the role of the State, civil society, free and independent media, national institutions, the private sector and other relevant institutions in the realization of the right to development, and also recognizes a need to continue discussion on this subject;

14. *Affirms* the role of women in the process of realization of the right to development, including their role as active actors in and beneficiaries of development, and that further actions in this context are needed to ensure the participation of women on equal terms with men in all fields in the realization of the right to development;

15. *Also affirms* the promotion of gender equality and the empowerment of women as effective means to combat poverty, hunger and disease and to stimulate sustainable development, as well as the importance of equal rights and opportunities for women and men, including property rights for women and their access to bank loans, mortgages and other forms of financial credit, taking into account the best practices of microcredit in different parts of the world;

16. *Underlines* that in the process of the realization of the right to development, special attention should be given to persons belonging to minorities, whether national, ethnic, religious or linguistic, as well as to persons belonging to vulnerable groups, such as elderly people, indigenous people, persons facing discrimination on multiple grounds, Roma, migrants, persons with disabilities, children and persons infected with human immunodeficiency virus/acquired

immunodeficiency syndrome, and that such attention should have a gender perspective;

17. *Affirms* in this context that attention should also be given to the right to development of children, with special attention to the rights of the girl child;

18. *Acknowledges* the need to continue discussion on the role of civil society in the realization of the right to development and the role of national institutions in this respect;

19. *Reaffirms* the need for States to cooperate with each other in ensuring development and eliminating obstacles to development, recognizes the importance of the international community in promoting effective international cooperation for the realization of the right to development, and also recognizes that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level;

20. *Reiterates* that the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process, and that many risk being marginalized and effectively excluded from its benefits;

21. *Recognizes*, while bearing in mind the existing efforts in this respect, that it is necessary to enhance efforts to consider and evaluate the impact on the enjoyment of human rights of international economic and financial issues, such as:

(a) International trade issues;

(b) Access to technology;

(c) Good governance and equity at the international level;

(d) Debt burden;

22. *Requests* the independent expert to prepare, in consultation with all relevant United Nations agencies and the Bretton Woods institutions, a preliminary study on the impact of those issues on the enjoyment of human rights, starting by analysing the existing efforts and means of assessing and evaluating such an impact, for consideration by the Working Group at its future sessions;

23. *Requests* the Office of the High Commissioner, the specialized agencies, funds and programmes, the international financial institutions and other relevant actors to collaborate with the independent expert in the fulfilment of his mandate and encourages further cooperation;

24. *Requests* the Working Group and the independent expert, to consider, as appropriate, the relevant economic and developmental outcomes of the international conferences, inter alia, the South Summit of the Group of Seventy-Seven held in Havana from 10 to 14 April 2000[4] and the follow-up thereto, in elaborating their recommendations for the implementation of the right to development;

25. *Decides* to continue consideration of the issue of the right to development, as a matter of priority, at its fifty-seventh session.